

Serial No. 10/674,515  
Reply to Final Office Action dated January 29, 2007

Docket No. 3655/0302PUS1

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**REMARKS**

Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the following remarks. Claims 1-5, 7-12, and 14 are currently pending in the application; with claims 1 and 8 being independent.

**Rejections Under 35 U.S.C. §103**

In the Final Office Action, the Examiner maintained the rejection of claims 1-5, 7-12, and 14 under 35 U.S.C. §103(a) as allegedly being unpatentable over Navarro (U.S. Patent Pub. No. 2003/0143974) in view of Eaton (U.S. Patent No. 6,888,811). Applicants respectfully traverse the rejection.

The Examiner asserts that "Eaton reads on Applicants' claimed subject matter since the mobile terminal identifies itself as a member of class of devices with wide area capabilities." (See Final Office Action, page 2, paragraph 1.)

Applicants respectfully disagree, and submit Eaton fails to teach or suggest, "determining ... that the user is a member of a class intended to receive said alert," as recited in independent claims 1 and 8. (Emphasis added.)

Applicants further submit that the Examiner is misinterpreting the teachings of Eaton. Eaton merely teaches a portable device 100 which may communicate using a short range WLAN protocol and a wide area communications system (col. 5, lines 3-7; col. 5, lines 21-25). The wide area communications system uses a wide area communications transceiver 104 which employs conventional demodulation techniques

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and is coupled to a processor 106. The transceiver 104 is responsive to commands issued by the processor 106 (col. 5, lines 25-30).

During its operation, the portable device 100 detects the presence of a smart network access point 130, and then identifies itself to the smart network access point 130 as a member of class of devices having wide area communication capabilities (col. 12, lines 18-22). This identification is based upon the networking capabilities of the portable device 100, and not upon whether a user is a member of an intended class to receive an alert.

Once the portable device is allowed access to the short range WLAN through the access point 130, the access point 130 sends location data to the portable device 100 (col. 12, lines 32-36). The portable device 100 may then transmit a location sensitive information request via the wide area wireless transceiver 104 to the wide area communications system 116 (col. 12, lines 46-49). The location data may also be presented to a user on a display 110, where the user may determine whether the location data is acceptable. If it is not, the user may manually enter a location using a user interface 108. (See col. 12, lines 54-61.)

Since Eaton and, as admitted by the Examiner, Navarro, fail to teach or suggest the above quoted feature recited in independent claims 1 and 8, Applicants respectfully request that the Examiner withdraw the §103 rejection.

Further, claims depending from independent claims 1 and 8 are allowable at least by virtue of their dependency. See MPEP § 2143.01. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination.

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Applicants further submit that the Examiner has failed to provide adequate motivation to combine the teachings of Navarro and Eaton. Specifically, the Examiner asserted that Navarro would be modified by Eaton's teaching to "include determining that the user is a member of a class intended to receive an alert for the purpose of contacting only users in a location sensitive area, (e.g., wireless local area network)." (See Office Action, page 3, lines 11-14.) Applicants disagree.

Applicants submit that this combination would be redundant as Navarro already uses the geographic position of the mobile station 106 as one factor in determining where to broadcast emergency information ([0019], lines 1-6). Specifically, Navarro discloses that the "base station 104 may either transmit the emergency message to all the mobile stations 106 communicating with the base station 104 or determine the position of each mobile station 106 and only transmit the message to those identified to be in a danger area. Determination of the position of the mobile station 106 may be accomplished in a variety of manners known in the art, such as global positioning, triangulation, etc." (See [0019], lines 13-20).

Applicants therefore respectfully request the Examiner to withdraw the rejection.

### CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, at the telephone number listed below.

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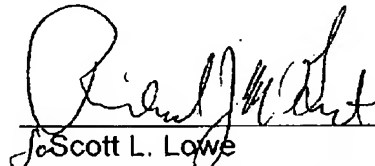
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Deposit Account Authorization

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-1602 and please credit any excess fees to such deposit account.

Respectfully submitted,

  
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DATE: April 11, 2007